

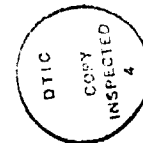
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USAWC Military Studies Program Paper



LEGAL AND SOCIAL PROTECTION FOR SOVIET SERVICEMEN

A REALITY OR MERE DECLARATION ?

An Individual Study Project

by

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After Mikhail Gorbachev began the process of reform in the Soviet Union in 1985, virtually every aspect of Soviet life was affected in some way. Military reform has been an important part of the process. While greater attention has been focused on the larger issues, such as the size and the nature of the Soviet armed forces in future years, there has been considerable discussion about the adverse day-to-day conditions under which most servicemen live and work and what to do to change them. The purpose of this paper is to examine and discuss in some detail the key problem areas faced by soldiers and officers in their daily lives and the current efforts by the Soviet government to correct a number of them. Further, despite considerable uncertainty, the likelihood of the success of these corrective measures is also assessed in this paper. Care has been taken to approach this examination and analysis from the Soviet perspective, rather than from that of an outsider looking in. To that end, the sources of information and opinions relied on have been almost exclusively Soviet, as made available in the print media. The new openness of glasnost over the last several years has provided a rare opportunity to examine the Soviet view of the nature and extent of their serious problems and what they believe they must do about them through increased social and legal protections.

INTRODUCTION

The process of reform in the Soviet Union begun by Mikhail Gorbachev in 1985 has not left any aspect of life untouched. Mr. Gorbachev concluded then that virtually "all was rotten" and massive change was needed.¹ Military reform has been a significant part of that process.² The discourse on military reform has been dominated by the larger issues. What will defense policy be generally? What is "reasonable sufficiency" in terms of defense?³ Will there be reductions, and, if so, what type and degree?⁴ Will there be modernization?⁵ What will be the impact on the budget?⁶ Should a volunteer professional Armed Force, in whole or in part, be adopted in lieu of the current conscript system?⁷ Should "territorial armies" or a militia system be considered?⁸

In the midst of the debate on these greater issues, one may wonder how the individual serviceman will be affected. The conditions under which servicemen live and work have been the subject of considerable scrutiny over the last several years.⁹ In particular, the light of glasnost has made the unpleasant realities of life and work in the Soviet armed forces all the more apparent.¹⁰ Certainly, there are national problems which the serviceman cannot escape--inadequate food, housing, medical care, and deleterious living conditions in general.¹¹ Other

problems are unique to the military--dedovshchina--the bullying or hazing of new conscripts by more senior soldiers.¹² With respect to these latter service specific problems, there has not been merely a great deal of attention, but outright and vociferous protest, especially from the mothers of soldiers who demand rights and basic protections for their sons.¹³ Amidst the new openness in the Soviet Union, even a new union for the protection of soldiers' rights ("Shield") has arisen.¹⁴

As the conditions of life and service in the Soviet armed forces have received more attention, one point of focus has been servicemen's social and legal protections, or lack thereof.¹⁵ When it comes to some very basic social needs and legal rights, the nation's defenders have been left literally defenseless.¹⁶ The Soviet leadership has clearly recognized the need for change, and has made a public commitment to remedial action.¹⁷ Given the current state of affairs in the Soviet Union, the future of reform, military or otherwise, is open to question.¹⁸

The purpose of this paper is to examine and discuss the key problem areas and the current corrective efforts, and, despite the uncertainty, to assess the likelihood of success.

Before proceeding, a few notes of explanation and caution are in order. One may ask whether it is appropriate to discuss social and legal protections together, as I intend to do, rather than as separate and distinct issues. For purposes of this analysis, I believe a discussion of these issues taken together

is the better course for two reasons. First, in both form and substance, these issues are sufficiently intertwined to merit discussion together. Take, for example, the issue of inadequate housing for officers. The inability of the Soviet government to provide adequate officer housing¹⁹ may raise questions of misdirected or poorly executed social policy. On the other hand, the unwillingness of the union republics to allow officers stationed within its borders the same rights to available housing as other republic residents, raises a legal issue as to the primacy of Soviet government versus union republic law.²⁰ Thus, the issue of officer housing has both legal and social dimensions. Second, the Soviets themselves see the scope of servicemen's problems, in significant part, as encompassing both social and legal protections, and they discuss it as such in open fora including the press. Legislative as well as social policy changes are both seen as necessary measures to solve these complex problems.²¹

Finally, as a caution, it is important to try to keep in mind the Soviet perspective while examining these issues. By that I mean we cannot fairly evaluate how serious a problem may be for a Soviet serviceman by viewing it through the eyes of Westerners, particularly Americans. It is not the purpose of this paper to measure the rights and privileges of Soviet servicemen against other basic and weighty standards, such as those based on uniquely American values, as set forth in our

Constitution and which flow from our form of government. Nor is it the purpose of this paper to evaluate Soviet social standards against those of the free market West. Instead, it is my purpose to assess success, or the probability of it, against the standards the Soviets have set for themselves to improve some very basic conditions of life and military service. For that reason, I have relied primarily on Soviet sources, as made available in their print media, to determine the substance of their policy and its direction. While such reliance may have been questionable in years past, the "new openness" has brought forth considerable candid criticism from within the Soviet Union itself, as a quick perusal of the recent Soviet press will show. While the window of glasnost may not remain open indefinitely, it allows, for the time being, a rare opportunity for a glimpse at issues of importance to Soviet soldiers and of interest professionally to their U.S. counterparts.

PART I

THE SOCIAL AND LEGAL ISSUES - CONDITIONS OF SERVICE LIFE

A. Conscripts

There is no shortage of challenges to be faced by any serviceman upon entry into the Soviet armed forces. These challenges, by their sheer intensity and drastic contrast to his previous life, make the transition to military service for the new conscript most difficult. The discussion which follows contains a sampling of the issues viewed as most serious and attracting greatest attention from new conscripts, their families, the Soviet leadership, and the press.

1. Diminished Army Prestige

To start with, the new conscript today does not enter an institution which is generally held in high regard. Even though patriotism and love of the Motherland can be a source of inspiration and pride for young servicemen,²² the armed forces' continually diminishing prestige significantly undercuts any remaining confidence in the institution.²³ Public opinion polls show that the Army enjoys the support of slightly over one-third of the population.²⁴ More disturbing, almost eighty percent of the population is dissatisfied to some degree with the state of affairs in the Soviet armed forces, over forty percent

believe this unfavorable state of affairs is the result of low discipline and lack of order in the Army, over thirty percent believe this state of affairs is due to a growth in non-official and criminal activities, and almost twenty percent believe "the Army stupifies and morally cripples young people."²⁵ Such perceptions can hardly provide any desire to serve--quite the opposite! Moreover, in a period of new openness, these negative perceptions have been accentuated in the press.²⁶

The factors which caused this remarkable loss of confidence in the armed forces over time are several-fold. Considerable anti-army sentiment has been one outgrowth of movements for increased sovereignty and outright independence by the republics.²⁷ Soviet soldiers are viewed by some as members of an army of occupation,²⁸ and the army is looked at as an institution in a system which has failed the nation and the people.²⁹ Add to these factors low pay³⁰ for service in possibly remote areas³¹ and living conditions which are, at best, unpleasant and, at worst, highly dangerous,³² and you have great incentive to avoid military duty.

2. Risk to Life and Limb

Service in the Armed Forces of virtually any nation can be life-threatening under certain circumstances. High-risk training as well as actual combat can make it so. Service in the Soviet armed forces, however, has more than its share of extreme danger.

The diminished prestige and anti-army sentiment described above have not resulted merely in highly negative feelings toward the military. Independence-minded extremists and criminals attacked and murdered over one hundred servicemen in 1989 and, according to one source, over 700 in 1990.³³ Some cases were attempts to drive out the "army of occupation," and others to steal government equipment, such as weapons and ammunition.³⁴

Hostile actions against servicemen have even included desecration of soldiers' graves and monuments.³⁵ Some officials argue also that unlawful acts against servicemen are tolerated by local officials, thus aggravating this situation further.³⁶

Physical attacks on servicemen, however, are not the only, or the most frequent, threat to their life and well-being. Casualty or "non-combat" deaths account for a far more significant number of deaths. Although the USSR General Staff rejects the figure quoted in the press, one prominent newspaper and forty-seven members of the USSR Supreme Soviet Presidium claim that there have been 15,000 peacetime deaths over a recent four year period.³⁷ The Ministry of Defense refuses to declassify the precise numbers, but has released the following percentages of the leading causes of death over the last several years: ordinary disease--21.5 percent; suicide--18.5 percent; violations of safety rules in training, work, and daily activities--17 percent; motor vehicle accidents--15 percent; and, other accidents--13.2 percent.³⁸ Particularly disturbing are

statistics indicating that one in four service deaths in 1990 was due to suicide.³⁹ The numerous deaths due to safety violations⁴⁰ have attracted special attention, generating vigorous protests by family members who have demanded thorough investigation of the causes of death as well as establishment of preventive measures.⁴¹

An increase in crime in the Armed Forces, reflective of the general increase in crime in Soviet society, also has contributed to the hazardous environment in which new conscripts must live.⁴² The crime rate increase in the Armed Forces by a significant one-third is due to a marked decrease the quality of new troops. In 1989 over 41,000 new conscripts entering active duty had prior criminal convictions.⁴³

3. Dedovshchina--The Abuse of New Conscripts

The phenomenon of dedovshchina, the sometimes vicious bullying or hazing of new conscript⁺ by older soldiers, is another brutal reality which provides a great disincentive for military service.⁴⁴ While there has been a decline recently in cases of this abuse, the problem remains acute still with almost 2000 cases per year.⁴⁵ The unwillingness or inability of commanders to take appropriate action has aggravated the problem, causing numerous cases to go unreported.⁴⁶ Even when proper command action is attempted, the conscript-victim may face additional difficulties. It is not always within the authority

of the local commander to isolate or to transfer the victim. Under such circumstances, the victim who persists in his complaint may face intimidation to prevent him from testifying or retribution if he succeeds in doing so. The conscript-victim may well decide it is better to remain silent and to attempt to survive, rather than to continue the process and possibly be subject to further hooliganism. As one young conscript so situated told the officer-prosecutor in his case, "You came and you'll go away, but I have to serve here."⁴⁷

4. Adverse Living Conditions

Sharply declining living conditions for conscripts also provide further cause for discontent.⁴⁸ Nationwide food shortages certainly contribute to the difficulty of providing the basic needs for soldiers.⁴⁹ The situation is further aggravated, however, by the interference of local republic governmental organs which attempt to place an embargo on supplies and services to members of what they consider to be an "occupying" army.⁵⁰ This local interference affects not only the supply of food, but also the provision of water and electricity.⁵¹

5. Social Injustice

A perhaps less serious issue for conscripts than the physically threatening ones described above concerns the social

injustice and basic unfairness associated with the application of the current Law on Universal Military Duty. Article 3 of that law requires all males to serve in the Armed Forces of the USSR. A military policy decision in early 1989 to allow deferments for higher education, however, has undercut the uniform application of this policy. Pursuant to that decision, over 100,000 students---first-term servicemen--were released from active service into the reserve forces. As a result, many of these men and others deferred for the same reason will never serve on active duty.⁵² Thus, "universal" military service is not truly universal. In the view of some, such a policy will cause the army to become "a workers' and peasants' army , which is creating perfectly understandable tensions in the society, a result of the practically undisguised social statification of the male half of the young generation."⁵³

6. Ethnic Tension

The most pressing problem facing new recruits--the one with the broadest scope--is ethnic tension and its far-reaching consequences.⁵⁴ This wrenching issue for Soviet society has caused significant domestic disorder which has spilled over into the Armed Forces.⁵⁵ The situation has been further aggravated by a 1990 military policy decision to allow up to 25 percent of the conscripts from certain republics to serve in the territory of those reublics. This increase in the proportion of servicemen

who are native inhabitants of the republics in which they serve has led, in turn, to greater ethnic tension and more frequent ethnic conflicts in those units.⁵⁶

7. Exercise of Republic Sovereignty

The extreme seriousness and complexity of ethnic tension, however, goes far beyond the physical danger attendant to the strife and disorder it causes within the ranks. Even if a new conscript wants to fulfill his military service obligation because of a sincere sense of patriotism or a genuine fear of prosecution for draft evasion, he may be left still with a Hobson's choice. He is caught in the middle of the battle between some republics for increased sovereignty and the Soviet government for continued control.

The conscript's dilemma is manifested most clearly in the dispute over the armed forces draft. The Soviet government is experiencing unprecedented problems in meeting its quotas and, for the first time last fall, extended the period of the draft in order to meet those quotas.⁵⁷ To be sure, the dangers and unpleasant conditions of service life cause fear and ample discouragement against military service. The anti-army sentiment prevalent in some republics, however, has been strongly reinforced by the overt actions of local soviets contrary to the USSR Constitution and the Soviet government's attempt to implement the draft.⁵⁸ The republics have minimally enforced,

if at all, Soviet draft laws.⁵⁹ More important, legislation by the Union Republics binding their citizens to service only in their home republics has had the effect of encouraging draft dodging and desertion.⁶⁰ In 1990 alone 35,000 conscripts avoided military service and 4,300 servicemen deserted.⁶¹ These figures both represent sharp increases over 1989.⁶² One republic after another is taking action to, in effect, boycott the draft.⁶³

Current statistics on the percentage of respective draft quotas filled by some republics emphasize the scope of the problem: Georgia has made 10 percent of its quota; Armenia--28.1 percent; Lithuania--12.5 percent; Latvia--25.3 percent; and, Estonia--24.5 percent.⁶⁴ As a result of these problems, only 60 percent of the overall draft quota for the 1990 fall draft was achieved,⁶⁵ leaving an almost 400,000-man shortfall for the armed forces.⁶⁶ The immediate impact of this shortfall has been to make life even more unpleasant for those who now serve. They must still get the job done even though significantly shorthanded.⁶⁷

The cumulative impact of all these factors has been to create a remarkably effective deterrent to service in the armed forces for new conscripts.⁶⁸ Not surprisingly, these circumstances have also drastically diminished the chance that those who currently serve will continue to do so. According to

data from the Soviet Army and Navy Political Directorate, "great interest in service has dropped from 78 percent of soldiers and sergeants in 1975 to 12 percent in 1990."⁶⁹

B. Officers

Unquestionably, some of the problems described above which so adversely affect new conscripts also affect officers in a similar way. Other problems are peculiar to officers.

1. Diminished Prestige and Inadequate Pay

The loss of prestige of the Soviet armed forces has perhaps had a more severe impact on officers than on new conscripts. While conscripted service has never carried with it any special status, service as a officer has. The "fall from grace" for officers, therefore, has been particularly difficult to take and has spawned considerable bitterness and concern.⁷⁰ Accentuating the decline in the public's image of the Armed Forces is the impact of inadequate compensation for officer service in positions of responsibility in sometimes remote areas.⁷¹ This impact is all the more dramatic on officers because, in many cases, it is felt by the officers' families as well. The pay of a junior officer, estimated at 180-300 rubles per month, compares favorably in gross terms to the average wage of Soviet workers, approximately 203 rubles per month.⁷²

Almost half of the officer families, however, have a per capita income that does not exceed 100 rubles per month,⁷³ and the pay of a junior officer with a family lags behind that of the average Soviet family by about 120 rubles.⁷⁴

This problem does not necessarily get better as the officer spends more time in service. It is difficult, if not impossible in many cases, to make up for this pay shortfall by relying on the salary of a working spouse. Frequently, officers' wives have no real possibility of work due to military transfers or actions by local soviets which restrict availability of jobs.⁷⁵ This leaves the officer and his family with a standard of living which certainly is not high, and, in some cases, is below the national average and.⁷⁶ In times of price hikes and inflation, these circumstances can bring officers and their families perilously close to the poverty line.⁷⁷

Comparison only of the average monthly wages of servicemen and civilians, however, does not fairly explain other important differences. Officers argue that the number of hours they work, in some cases 12-15 hours a day, with one day or less off a month, is far more than the work effort of civilians.⁷⁸ Officers also argue that their pay does not give due consideration to their unique competencies and responsibilities as compared to their civilian contemporaries. To emphasize the

point, some argue that the inequity is clear when one notes that the salary of a pilot of a supersonic combat aircraft is less than that of a bus driver.⁷⁹

2. Shortage of Housing

A problem which has reached rather monumental proportions is the shortage of available housing for officers and their families. Currently, there are approximately 200,000 families of officers, warrant officers, ensigns, and employees of the Soviet Army without adequate housing.⁸⁰ While this very significant problem has been building over time, it also has been seriously aggravated recently by the withdrawal and return to the Soviet Union of forces from Eastern Europe.⁸¹ Perhaps not surprisingly, the local soviets have been of no help on this issue and, in some cases have taken actions which are detrimental. Some have refused to carry out the USSR Council of Ministers resolution regarding the provision of housing for servicemen or to allocate land for the construction of apartment blocks.⁸² Others have refused to accept Ministry of Defense funds for shared participation in housing construction and to register servicemen and their families for housing.⁸³ Finally, some local soviets have been too slow in moving those former servicemen or employees who have broken ties with the army from military posts to their own housing.⁸⁴

The problem of available housing is not confined to active duty servicemen. Those discharged into the reserves or retired due to health, age, or reduction in forces, are entitled to housing on a priority basis, but face significant shortages as well and waiting periods measured in years.⁸⁵ The housing

dilemma for this group of people has become progressively worse over the last several years. At the beginning of 1990 there were almost 29,000 families in this category in need of housing.⁸⁶

3. Deprivation of Basic Needs and Rights

The battle of some republics for increased sovereignty with the Soviet government, as discussed earlier, also affects officers and their families in very direct ways. In their fight against the "army of occupation," some republics have taken actions against the armed forces as an institution which, in effect, have deprived servicemen and their families of both basic needs and rights. As previously noted, local soviets have taken action to inhibit the supply of food, water, and electricity to garrisons and camps.⁸⁷ Additionally, the Baltic republics have restricted servicemen's voting rights, placed a ban on residence permits, and terminated the allocation of plots of land for housing construction for servicemen.⁸⁸ For servicemen with families, many of whom are officers and warrant officers, the local soviets' refusal to issue residence permits has implications beyond the inability to obtain adequate housing. It also inhibits the ability of family members to obtain jobs, medical care, and other social and consumer services.⁸⁹ Some local authorities have even advised military units that funding for the schooling of children of the "occupation troops" would be terminated on January 1, 1991, and that military personnel should

pay the cost of the education of their children out of their own pockets.⁹⁰

4. Threats to Life and Family

Although officers generally do not face the same broad spectrum of risks to life and limb encountered by conscripts, they are subjected to some very real and dangerous threats. The number of attacks on officers, as well as other servicemen, has been growing and is causing alarm.⁹¹ In 1989, civilians were responsible for the deaths of 69 officers and 32 ensigns. As ethnic tension and crime in Soviet society have increased, attacks on officers have done likewise. In 1990, according to one source, there were over 700 officers killed and over 150 wounded by extremists and criminals.⁹² Further, officer families have not been left untouched by these dangerous circumstances. Family members, including children, have been wounded and threatened. Some have been warned that they will be seized as hostages and that there will be reprisals if their husbands or fathers use force against opposition groups.⁹³

5. Inequity and Unfairness Within the Ranks

A final issue to note briefly concerns inequity and unfairness within officer ranks. The first aspect concerns one of the privileges of senior officers. While an enormous problem persists for thousands of officers because of the current housing

shortage, the armed forces' highest ranking personnel and their families continue to enjoy "dacha" privileges--exclusive use of large and well-furbished vacation estates in relatively secluded surroundings. For top generals to indulge in such excesses against the backdrop of general economic crisis in the country and the special problems faced by so many less senior officers and their families on a daily basis has been publically criticized as "extremely tasteless."⁹⁴ Defense Ministry expenditures for the construction and maintenance⁹⁵ of dachas has been viewed as exceeding all reasonable limits and has been severely criticized.⁹⁶

The other aspect of this issue concerns assignments, promotions, and other personnel practices. A considerable number of servicemen believe "protectionism" or "favoritism" is at work in key personnel decisions, to the extent that it has become established as a "system" within the armed forces.⁹⁷ While the Defense Ministry denies that such a "system" exists and argues that the absolute majority of officers receive their next positions, promotions, and fully deserved awards "in good time," it admits errors in the process and that "protectionism," or attempts at, it exist.⁹⁸ At any rate, it is a phenomenon which is considered disgraceful and which clearly impacts on the officers' morale.⁹⁹

The impact of all these factors, taken together, clearly has an enormously negative effect on the morale and desire for continued service among officers and their families.¹⁰⁰

PART II

REMEDIAL ACTION BY THE SOVIET GOVERNMENT

A. Public Commitment to Corrective Measures

The leadership of the Soviet Union has recognized, for some time, the need take affirmative steps to correct many of the problems described above. Over the past year, they have publically acknowledged the adverse conditions under which servicemen live and work on numerous occasions and have committed to change for the better. Following is a discussion of some of the key statements made and actions taken concerning social and legal protections generally and a number of adverse living and working conditions specifically

1. The Soviet Leadership on Social and Legal Protections

In an address to military academy graduates at the Kremlin in June 1990, President Gorbachev addressed the need for change and commitment in broad terms:

The problem of improving conditions of daily life and work for servicemen, which has built up over decades, is not at the center of attention for the country's leadership. The government has prepared a package of specific, practical measures encompassing all aspects of social protection for people who have entwined their lives with the Army and Navy. First and foremost, the basis in law for doing active military service is being considerably strengthened, as is that for social security

for servicemen and their families. Major material incentives and financial resources are being allocated specifically for this, including ... for building housing.... Appropriations will amount to several thousand million rubles per year. This will increase as economic development stabilizes and improves.¹⁰¹

Shortly thereafter, in July 1990, the same concerns and commitment were reflected in the Military Doctrine Resolution issued by the 28th Congress of the Communist Party of the Soviet Union (28th CPSU Congress):

The congress considers it necessary to accelerate the adoption of laws on defense ...and of a special-purpose state program to provide social guarantees and legal protection to servicemen, members of their families, and persons transferred to the reserve or retired. ...The congress considers the strengthening of the material and social position of military cadres, the provision of well-equipped housing to servicemen, and the introduction of compensatory measures in conditions of price hikes and inflation to be primary tasks.¹⁰²

2. Implementation Through Presidential Decrees

In September 1990, Mr. Gorbachev took steps to implement measures to deal with three serious problems concerning servicemen: injury and death due to safety violations; inadequate legal protection for servicemen associated with the decline in responsibility of commanders and other leaders for maintaining order and discipline in units; and, the increase in the frequency of physical assaults on servicemen due to ethnic tension and criminal activity.¹⁰³ To address these problems, the USSR

President's Decree on Certain Measures to Strengthen Servicemen's Social and Legal Protections provides, in part, the following:

[The President of the USSR resolves]...

1. To instruct the USSR defense minister... to urgently implement...measures aimed at resolutely strengthening discipline and order among the troops, enhancing military cadres' responsibility for the safety of personnel, and strengthening the legal and social protection of personnel....
2. In the draft legislative acts that are being elaborated...the USSR Defense Ministry...must make provision for measures ensuring legal guarantees of inviolability of the person for the serviceman.
3. Before 1 January 1991 the USSR Council of Ministers must resolve the question of introducing mandatory state insurance for servicemen, and also for reservists during training camps, in the event of their death, injury, or loss of health during the execution of their service duties owing to the unlawful actions of other persons, accident, or sickness associated with the performance of military service. It must proceed on the basis that the insurance is to be effected with funds from the USSR Defense Ministry...and other ministries and departments.
4. The USSR Ministry of Health is instructed to ensure the provision of emergency medical aid to servicemen injured in the course of exercises, redeployments, and the performance of special missions as well as in other circumstances in cases where military medical establishments are unable to provide such assistance.
5. The USSR Supreme Soviet is instructed to examine the question of granting servicemen the right to protest in military tribunals unlawful actions by officials and military control

organs overstepping the bounds of regulatory relations and infringing servicemen's rights and personal dignity....

6. The USSR Prosecutor's Office must promptly resolve questions of instituting proceedings against persons to blame for the death of servicemen or for causing injury to them or other damage to their health....

7. The USSR Supreme Soviet is recommended to organize systematic monitoring of the effectiveness of the measures taken by the USSR Ministry of Defense...to observe servicemen's constitutional rights and to strengthen their social and legal protection.¹⁰⁴

This decree is significant for several reasons. It is the first time in the history of the country and the Army that compulsory insurance for military personnel from Ministry of Defense funds, in part, is called for by presidential decree.¹⁰⁵ In addition, the decree foresees the right of every soldier to complain to a military tribunal about any unlawful actions of officials and administrative bodies. This has been read to mean that a soldier, if he believes he has been wronged, will be able to take an official to court, just as any other citizen may do.¹⁰⁶ This could be a fruitful area. Already, on a yearly basis, prosecutors' offices examine over 7,000 unlawful orders by commanders.¹⁰⁷ It could also be a very beneficial area for servicemen. In the past military tribunals have ruled favorably for citizens and servicemen in 85 percent of the suits brought on many diverse violations of law.¹⁰⁸

In a further effort to deal directly with the problem of the deaths and injuries during active service, and in response to the protests of servicemen's parents and others on this matter, President Gorbachev issued another decree in November 1990. The Decree On Measures to Implement Proposals from the Committee of Soldiers' Mothers, provides, in part;

In connection with an appeal from the Committee of Soldiers' Mothers, other public organizations and citizens on the question of the violation of legality in the USSR Armed Forces and of the rights of USSR citizens while they are performing military service, as well as on instances of deaths and injuries among servicemen...[the USSR President] resolves;

1. To form a special commission to check on the objectivity and completeness of investigations into the causes of deaths and injuries among servicemen....

3. The USSR Council of Ministers is to: within a month's time , examine questions of material compensation to families for losses connected with deaths of servicemen...while performing military service in peacetime; examine proposals on introducing a system of regular leaves for conscripted servicemen....

5. To propose to the USSR Supreme Soviet's Joint Committee on Legislation...that they accelerate the drafting of legislative acts aimed at strengthening legal and social safeguards for conscripted servicemen and increasing the command personnel's responsibility for observing the requirements of military regulations....

7. By January 1, 1991, the USSR Prosecutor's Office is to check on, by way of supervision, cases of desertion and other crimes connected with the evasion of service in which citizens have filed statements about the infringement of servicemen's rights....

The USSR Prosecutor's Office is to take concrete measures aimed at strengthening supervision over fulfillment of laws in the USSR Armed Forces and the observance of servicemen's rights during their performance of active military service.¹⁰⁹

Meaningful follow-up to both these decrees recently came through a USSR Council of Ministers resolution which mandated, as of 1 January 1991, personal state insurance for servicemen and military reservists in the event of death, injury, or disease occurring during the period of service.¹¹⁰ The insurance payments, to be made from Ministry of Defense and other ministry funds, will be 25,000 rubles in the event of death during service or within one year of discharge from injuries sustained during service. Payments for injuries will vary from 500 rubles for slight injuries to 15,000 rubles for disabilities incurred under the same conditions.¹¹¹

In another measure to protect the physical well-being of service, and specifically in response to physical attacks on servicemen and attempts by local governmental organs to deprive them of essential services, President Gorbachev directed the Minister of Defense to authorize special actions by servicemen and troop commanders. In November 1990, the Defense Minister announced, in a televised address:

On instructions from the President of the USSR, I am speaking to you in connection with unlawful actions in a number of republics, actions that jeopardize the country's defense capability. Recently, actions against the Army

have become more and more frequent....There are instances of attacks on the honor and dignity of officers and soldiers and members of their families. Military installations are being subjected to armed attacks.

In this situation I consider it necessary to state the following:

....

4. I have ordered servicemen to use weapons in cases of violence and armed attacks against fighting men of the Soviet Army, military installations, and ammunition and arms depots.

5. In cases of unlawful actions with respect to garrisons and camps (shutoffs of electricity, water, etc.), the troop commanders of military districts and fleet commanders have been ordered to take control of vital service installations and systems and to protect military units.

6. The troop commanders of military districts and fleet commanders have been ordered to prevent acts of vandalism against monuments and graves of Soviet fighting men....

7. In fulfillment of the USSR President's decree of November 15, 1990, troops have been ordered to take effective measures to bring order to military units, ruling out mistreatment and violations of the military oath.¹¹²

In order to counter certain actions by local soviets to deprive servicemen of other basic rights, Mr. Gorbachev issued another decree in November 1990. The Presidential Decree On Stopping Illegal Restrictions on the Issuing of Residence Permits to Servicemen and Members of Their Families provides:

Refusals to issue residence permits to officers and warrant officers coming to particular areas to perform their service, as well as to their families, have become more frequent recently,

and in certain regions they have become a large scale phenomenon. This entails illegal restrictions on the availability of jobs, medical care, and other social and consumer services.

These actions are unlawful.

...[The USSR President] resolve[s]:

It is the personal responsibility of the heads of local Soviets' executive agencies to ensure, before January 15, 1991, the resolution of all questions connected with the issuing of residence permits¹¹³ to servicemen and members of their families.

Finally, a recent decree worth noting is Mr. Gorbachev's attempt to deal with the efforts, discussed earlier, of certain republics to exercise increased sovereignty by requiring its residents to perform military service only in their home republic, in direct contravention of the Soviet government's effort to implement a universal draft. Once again, as it affects servicemen, it is seen as encouraging draft evasion and desertion.¹¹⁴ The Presidential Decree On Certain Acts Concerning Questions of Defense Adopted in the Union Republics provides, in part, the following:

[T]he defense of the USSR's sovereignty and the protection of its state borders and territory and the organization of defense and the direction of the USSR Armed Forces fall under the jurisdiction of the USSR....

However, certain Union republics, not waiting for the settlement of these questions by means of a treaty, are adopting legislative acts concerning the activity of the USSR Constitution and USSR laws.

Acts having to do with the call-up of citizens for active military service are cause for special alarm. The decisions contained in these acts with respect to citizens' performance of military service only in the territory of their own republic, as well as measures that, to all intents and purposes, encourage refusal of military service and desertion from the USSR Armed Forces...and the elimination of the liability stipulated by all-Union legislation for evading military service are in effect aimed at counteracting the implementation of the USSR Law on Military Service.

Recently, instances of the nonfulfillment or improper fulfillment by bodies of power and administration of other duties assigned to them by USSR legislation regarding questions of the country's defense have also become more frequent.

All this has a negative effect on providing the USSR Armed Forces with sufficient personnel, and it imperils vitally important aspects of the Soviet state's defense capability.

In view of the above...[the USSR President] resolve[s]:

1....[P]rovisions of acts of Union-republic bodies of state power regarding questions of defense that are at variance with existing USSR legislation have no legal force from the moment of their adoption and are not subject to execution by state and public agencies, enterprises, institutions, organizations and citizens.

....

4. The USSR Prosecutor's Office is to see to it that officials and citizens who evade fulfillment of USSR legislation on questions of the country's defense are called to account.¹¹⁵

Although these decrees do not address all of the ills faced by Soviet servicemen, they provide a more immediate effort against some of the more significant ones.¹¹⁶ In any event, as will be discussed in more detail subsequently, and as is noted in some of the decrees themselves, more far-reaching solutions can be achieved only through legislation.

3. Efforts to Resolve Inadequate Pay and the Housing Shortage

Both of these issues have received considerable attention recently. Progress with respect to pay has been more significant. Appreciable increases in basic pay for all servicemen, including conscripts, are planned for 1991.¹¹⁷ The monthly salaries of officers, warrant officers, and ensigns, will increase 90-150 rubles, with an additional increase of 30 rubles per month for officer food rations.¹¹⁸ Servicemen with special responsibilities-commanders at virtually all levels-will receive additional salary enhancements. The salaries of platoon commanders will increase 45.7 percent, company commanders--44 percent, battalion commanders--45 percent, regimental commanders--40 percent, division commanders--37 percent, and corps commanders--34 percent. Soldiers on national service will receive an increase of 30-100 rubles.¹¹⁹ Beyond these measures directly affecting the pay of active duty servicemen,

there have been continuing efforts to improve benefits for retirees, families, and disabled veterans through pension reform.¹²⁰

An additional assist to servicemen with families has been provided by a decree adopted by the USSR Council of Ministers. It requires executive committees of local soviets of people's deputies, and heads of ministries, departments, and other organizations to take definite action to find employment for servicemen's wives, and to provide work on a part-time, flexible, or work-at-home schedule.¹²¹ The decree also states that time spent by wives in residence with officers, warrant officers, and men on extended duty in areas that do not offer employment opportunities in the wife's specialty is to be counted toward the total length of service needed to qualify for an age or disability pension.¹²² This last provision applies even if the wife possesses no specialty, as long as she has been unable to find work.¹²³

The shortage of housing is not a problem which is as susceptible to a near term solution as that of pay. When the decision was made to increase pay, it could be done reasonably quickly. When the decision was made to build more housing for servicemen, that course of action simply could not be pursued that quickly, especially when the problem continues to be worsened further by circumstances.¹²⁴ Nevertheless, a commitment has been made in real terms. In 1991, the Defense

Ministry is seeking 1.65 billion rubles for housing construction, a considerable increase over last year.¹²⁵ A great deal of construction is currently underway.¹²⁶ In 1990, the Defense Ministry built 82,000 apartments, and plans to exceed that number in 1991.¹²⁷ This effort by the Soviets alone is not expected to be enough to eliminate the shortage.¹²⁸ They will receive significant help in the future, however. The Soviets recently concluded a treaty with the united Germany on matters including the removal of Soviet troops. According to the Soviets, the Germans, in an effort to resolve the question of compensation for Soviet property left behind, agreed to build almost 8 billion marks worth of housing for servicemen in the Soviet Union.¹²⁹ In any event, this particular problem has no immediate or near immediate solution.

B. Legislative Initiatives

The Soviet leadership has recognized that the long term solution to providing adequate social and legal protections for servicemen lies in legislation. In a speech to Soviet servicemen in November 1990, Mr. Gorbachev emphasized the importance of legislation to correct these problems:

...[T]he need has emerged, comrades, to draw up many legislative acts: the reform itself, the law on conversion, a number of laws on defense, on the protection--the social protection--of servicemen....All these are being drawn up. It

is precisely this that also indicates that we are taking in everything coming from the Armed Forces, from the military sector of the economy, so as to act in a better thought-out, more responsible manner.¹³⁰

General M. A. Moiseyev, Chief of the USSR Armed Forces General Staff and USSR First Deputy Defense Minister, in a news interview in November, echoed these concerns and discussed, in further detail, the thrust of military reform:

The main thrust of the Armed Forces reform envisages...[among other matters] the creation of an efficient system of social protection for servicemen; and the strengthening of the legislative foundations of draft service service by Soviet citizens.

....

It is planned to base the social and legal guarantees for servicemen on the principles of the socialist rule-of-law state and the norms of international law. Some of these have already been enshrined in law in the USSR president's decree on strengthening the social and legal protection of servicemen. A wide range of specific measures to create a reliable mechanism for the legal protection of servicemen, is outlined in the USSR draft laws on defense, the status of servicemen, and universal military obligations and military service, the provisions on military service, and general military regulations.¹³¹

Consistent with these declarations, key legislation on military reform is currently under consideration, and its passage is imminent.¹³² These draft legislative acts presuppose deep changes.¹³³ New laws on defense, universal military duty and military service, and on the status of servicemen, are expected to become the main acts of the defense legislative system.¹³⁴

For the first time in the history of the Soviet armed forces, the status of servicemen will be defined in legislation. Service in the military will be given the status of a special kind of civil service with priority over other types of labor activity and with corresponding legal rights and guarantees.¹³⁵

It seems clear that if this legislation becomes a reality, the Soviet leadership believes a major step will have been taken in the advancement of meaningful social and legal protections for servicemen.

PART III

ASSESSMENT OF EFFORTS -- LIKELIHOOD OF SUCCESS

It appears from the events of early 1991 in the Soviet Union that reform efforts have been slowed, and perhaps stopped. Concern for the political crises in some of the republics, the nation's continuing economic woes, serious public disorder in certain locations, and President Gorbachev's efforts to accumulate more authority to himself,¹³⁶ cannot help but impede progress in reform. Under such circumstances, it has become virtually impossible to determine what may happen from day to day, let alone in the long term, on specialized issues such as the social and legal protections for servicemen. Nevertheless, by identifying and evaluating those overriding, long-term interests which impact on these narrower issues, one may be able to determine what, if any, continued progress may be expected.

The Soviet leadership has made clear that a modern, efficient military capability is needed to ensure national security, and is ,therefore, in the national interest.¹³⁷ The increasingly unpredictable nature of international tensions and events, and the security threats associated with regional conflicts, are recognized complicating factors which make it more and more difficult to determine optimum military capabilities.¹³⁸ The press of the nation's economic ills has

made clear that more resources must be devoted to that area, and reduced military expenditures must be, and have been, a part of that redirected effort.¹³⁹ The Soviets intend to decrease costs, in part, by reducing force structure and modernizing with more cost effective weapons systems.¹⁴⁰

The concept of a volunteer professional force as a means of achieving a smaller, less expensive, but equally capable armed forces, has been considered and debated.¹⁴¹ It has met increased opposition recently, however, based on the anticipated expense and doubts cost effectiveness,¹⁴² The idea of territorial armies, which had a historical basis prior to the USSR Constitution of 1977,¹⁴³ also has been debated.¹⁴⁴ It too is considered unlikely due to the Soviet leadership's desire to maintain the extraterritorial concept,¹⁴⁵ most probably because of the greater stability and control it allows. What may evolve from all of this is an armed forces built on a combination of conscription and voluntary entry by contract.¹⁴⁶ Whatever solution is adopted, it is clear that a leaner, higher quality military force is the desired and planned for end.¹⁴⁷

Given this end and the current circumstances in the Soviet armed forces and in Soviet society, one may ask how the stated commitment and effort to improve servicemen's social and legal protections will be affected. In my judgment, the Soviet leadership will continue in this direction, in a very serious way, and will succeed, for three reasons.

First, the overriding consideration for the Soviets, as it would be for virtually all nations, will be their national interests and national security concerns. As long as a credible military capability is considered necessary to ensure national security and, hence, to protect their national interests, the Soviets will maintain such a capability and will adopt policies consistent with that end. One need not assume any uncharacteristic concern for fundamental human rights by the Soviets to understand why they may believe it necessary to take better care of their servicemen.

Moreover, the concept that leaders need care for their troops if they expect them to perform well has important roots in Russian tradition. Generalissimo Alexander Suvorov, perhaps the most remarkable military leader in Russian history, is the best example. He was a tactical genius without peer in the 18th Century, never losing in over sixty major and minor engagements. His most characteristic trait, however, besides his extraordinary military talents, was "the absence in him of the universal contempt felt by the Russian gentleman-officer for the common soldier."¹⁴⁸ Better than any other commander of his time, he understood the needs and feelings of his soldiers and showed the whole world what the Russian soldier could do if skillfully led.¹⁴⁹

The critical need to protect and care for the soldier is echoed in the writings of another Russian general, Mikhail

Dragomirov, who had a long career as a military and state figure.¹⁵⁰ Dragomirov wrote:

...Self-sacrifice is not taken, it is given... Where a man loves his motherland, he loves his unit...here he would not hesitate to sacrifice himself for their good. The means to achieve this? Protect the soldier: where he is protected he does not have to protect himself, for he knows that he is valued and that he will not be involved in slaughter in vain.¹⁵¹

Finally, the importance of soldiers' morale is a concept which has been recognized in contemporary Soviet military thought as well. Principles of Soviet military strategy include assertions such as, "Victory in war depends greatly on the morale and psychological strength of Armed Forces personnel."¹⁵²

As has been detailed previously, the deprivations, abuse, and hardship experienced by the vast majority of Soviet servicemen has had a devastating impact, not simply on morale and desire for continued service, but on the armed forces ability to function. There is already public concern, and even alarm, over the ability of the military leadership to maintain order and combat readiness.¹⁵³ If the Soviets were not to take meaningful corrective action, it would only be a matter of time before their ability to man and maintain a credible military capability would be seriously eroded. The ongoing problem in meeting draft quotas, for example, which is a predictable result of a number of the existing problems, underscores this point. An iron-fisted approach to forcing draft compliance may be minimally

effective in the short term, but it will never get to the heart of the multifaceted problem. Moreover, it will only serve to inflame already antagonistic, and even hostile, attitudes. In fact, the Soviets will act to benefit servicemen because they have no practical choice but to do so.

Second, the Soviet leadership must act because a good many of the servicemen's problems are due to actions taken or caused, in some form or fashion, by republics exercising or attempting to exercise increased sovereignty. The republics' actions are, in many cases, in open and direct defiance of Soviet central authority. Unless the Soviet government is prepared to allow independence to any or all the republics, it will have to reassert its preeminence. In doing so, it may very likely counter republic actions directed against Moscow that are detrimental to the soldier.

Third and last, the Soviet leadership might find it extremely difficult to divert from the course intended to protect servicemen's social and legal rights because they cannot undo what they have already done. President Gorbachev has publically committed himself and the government to following this path and has exercised his authority through presidential decrees to deal with some serious problems. Senior military leaders have likewise committed themselves to this course and are keenly aware that many officers and soldiers questioned, at the outset of the reform effort, whether the program for increased social and legal

protection ultimately would be fully implemented or would remain a mere declaration.¹⁵⁴ It may have been better not to have embarked on a reform effort at all, than to have begun and reversed course or stopped. The commitment and actions already invested, as well as the need to maintain credibility with the members of an organization of critical importance to the Soviet government, will force the Soviet leadership to maintain its current course.

Based on the foregoing, I believe the effort toward significant reform and increased social and legal protection for Soviet servicemen will continue and will succeed.

CONCLUSION

As has become most apparent in the period of glasnost, Soviet servicemen live and work amidst a wide range of unpleasant conditions, and have done so for some time. These conditions have had a devastating impact on morale, have contributed to a dramatic increase in draft evasions and desertions and severely undercut the spirit of patriotic service among the nation's youth, and have degraded the armed forces' combat readiness. The Soviet leadership has publically acknowledged the existence and seriousness of these problems, has committed to solving them, and has instituted initial corrective measures.

I believe the Soviet government will continue with a meaningful reform effort to increase social and legal protections for servicemen for three reasons: it is needed to maintain a credible military capability to ensure the nation's security and is, therefore, in the Soviets' national interest; it is necessary for the Soviet government to assert its preeminence over republics seeking increased sovereignty in a way which will be beneficial to servicemen on duty in those republics; and, the Soviet leadership cannot reverse its commitment to members of an organization critical to the security of the Soviet government and nation.

For these reasons, I believe the lot of Soviet servicemen will continue to improve. The journey toward increased social and legal protection for servicemen will not be a dead-end trip.

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